FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CIVIL APPLICATION NO. 1049 OF 2004.
IN
APPEAL FROM ORDER NO. 678 OF 2004.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri Nivas Kamble holding for Shri A.M.

Saraogi for the applicant.

CORAM: V.C.DAGA,J.

DATED: 27-08-2004.

P.C.:

. Heard Shri Kamble holding for Shri

Saraogi for the applicant.

2. This matter was placed before this Court on 12.8.2004 which came to be disposed of by a speaking order running into more than 10 pages. When the appeal was dismissed by speaking order, learned Counsel, then appearing for the appellant, had prayed for stay of the order. On being asked, learned Counsel, after taking instructions from his clients in open

Court, made a statement that his client viz. the appellants were not willing to furnish any undertaking, with the result, prayer for stay came to be rejected.

3. Today, this application is moved with a prayer to accept the undertaking as if stay has been granted in favour of the appellant. The prayer made herein projects a picture that stay has been granted by this Court and ministerial act of acceptance of an undertaking is required to be done. Application moved today is also drafted in a very tricky manner and an attempt is made to take the Court for a ride. The statement made in para 3 is factually incorrect to the knowledge of the appellants and their Counsel.

4. In the above circumstances, attempt to pollute administration of justice is writ large. In the circumstances, I have no option but to reject the application with costs quantified in the sum of Rs.3,000/- (three thousand) to be paid to the respondents within 2 weeks from today.